

THIRD DIVISION

[G.R. No. 207811, June 01, 2016]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DELIA
MOLINA Y CABRAL, ACCUSED-APPELLANT.**

DECISION

PERALTA, J.:

This is an appeal from the Decision^[1] dated December 14, 2012 of the Court of Appeals (CA) affirming with modification the Decision^[2] dated May 31, 2010 of the Regional Trial Court (RTC), Branch 143, Makati City, in two cases, Criminal Case No. 07-1399 and Criminal Case No. 07-3108 against appellant Delia Molina for the crimes of illegal recruitment in a large scale and illegal recruitment, respectively.

The facts follow.

Three informations were filed against appellant alleging the following:

In Criminal Case No. 07-1399 for illegal recruitment in a large scale:

That in or about and sometime between the months of April 2006 and June 2006, in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being authorized by the Department of Labor and Employment to recruit workers for overseas employment, did then and there willfully, unlawfully and feloniously recruit and promise complainant, namely:

| | |
|-------------------|------------|
| Anthony Galiste: | P75,000.00 |
| Romulo Nones: | P75,000.00 |
| Elisa Escobar: | P75,000.00 |
| Geraldine Cariño: | P75,000.00 |
| Diony Aragaon: | P75,000.00 |
| Maribel Rosimo: | P75,000.00 |
| Gilbert Rosimo: | P75,000.00 |
| EricValdez: | P75,000.00 |

for overseas job placement and in consideration of said promise, said complainants paid and delivered to accused sums of money as placement/processing fees and having

failed to actually deploy said complainants without any valid reason and without the latter's fault, the said accused failed to reimburse the expenses incurred by the said private complainants in connection with the documentation and processing of their papers for purposes of their deployment, to the damage and prejudice of the above-named complainants.

Contrary to law.

In Criminal Case No. 07-3108 for illegal recruitment in a large scale with another accused Vincent Zulueta (the case against the latter was sent to the archives as he was at large):

That in or about the months of April and May 2006, in the City of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and both of them mutually helping and aiding one another, did then and there willfully, unlawfully, and feloniously recruit and promise employment/job placement to RICHARD COLLAMAR, CAROL COLLAMAR, and CECILLE M. BARTOLOME as factory workers in Korea, and in consideration of said promise collected from complainants the total amount of P225,000.00 as placement/processing fees and both accused despite receipt of the fees from complainants failed to actually deploy said complainants without valid reasons and without the workers' fault, and despite demand to reimburse expenses to said complainants, thus, in large scale amounting to economic sabotage.

Contrary to law.

In Criminal Case No. 08-066 for illegal recruitment:

That in or about the period from April to June 2006, in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then authorized by the Philippine Overseas Employment Administration to recruit workers for overseas employment, did then and there willfully, unlawfully and feloniously recruit and promise complainants ROSEMARIE A. RESPUETO and LEO JOHN M. ALDAY overseas employment as factory workers in South Korea, and in consideration of said promise, complainants paid and delivered to accused sums of money as placement/processing fees, and having failed to actually deploy complainants without any valid reason and without the latter's fault, the accused failed to reimburse the expenses incurred by complainants in connection with the documentation and processing of their papers for purposes of deployment, in violation of the aforecited law.

Contrary to law.

At the respective arraignment of the cases mentioned above, appellant pleaded not guilty to each of the charges. Thereafter, trial on the merits ensued.

The following are the factual findings of the CA based on the trial conducted in the RTC:

Re: Criminal Case Number 07-1399.

The following persons testified for the prosecution: Elisa Escobar (hereafter, "Escobar"); Geraldine Cariño (hereafter, "Cariño"); and Diony Aragon (hereafter, "Aragon"). The evidence for the Prosecution is summarized thus: sometime in April 2006, Escobar went to the office of the Southern Cohabite Landbase Management Corporation (hereafter, "SCLMC") located at Makati City to meet Zulueta, an agent of the SCLMC. Zulueta introduced Escobar to accused-appellant. Accused-appellant told Escobar she will be employed as a factory worker in Korea within 3 months from payment of the P75,000.00 placement fee. Escobar tendered the said amount to Zulueta at the SCLMC office evidenced by the cash voucher dated 28 April 2006 signed by SCLAMCOR (Southern Cotabato Landbase Management Corporation). The cash voucher acknowledged receipt of the P75,000.00 from Escobar. It also stated that the P75,000.00 was for payment of the processing fee for Korea. A month after paying the placement fee, SCLMC informed Escobar she had to undergo Korean Language Training. Escobar complied. When Escobar did not hear from accused-appellant for another month, she decided to withdraw her placement fee. Accused-appellant failed to return her money, thus Escobar filed the suit for illegal recruitment.

Cariño testified she came to know accused-appellant sometime in April 2006, when Zulueta brought her to the office of the SCLMC at Makati City. Zulueta and accused-appellant told Cariño she will be employed as a factory worker in Korea within 3 months from payment of the P75,000.00 placement fee. Cariño tendered the said amount to Zulueta at the SCLMC office evidenced by the cash voucher dated 28 April 2006 signed by SCLAMCOR. The cash voucher acknowledged receipt of the P75,000.00 from Cariño. It also stated that the P75,000.00 was for payment of the processing fee for Korea. Accused-appellant was beside Zulueta when the latter gave the cash voucher to Cariño. Cariño was then asked to submit a medical examination and undergo Korean Language Training to expedite her application. Three months after complying with the requirements, Cariño was still not deployed for employment abroad. Cariño then filed this case against accused-appellant.

Sometime in 2006, Aragon was convinced by his friends to apply at the SCLMC. Zulueta brought him to the SCLMC office. Zulueta introduced Aragon to the accused-appellant. Accused-appellant told Aragon he will be employed as a factory worker in Korea within 3 months from payment of the P75,000.00 placement fee. Aragon tendered the said amount to Zulueta at the SCLMC office evidenced by the cash voucher acknowledged receipt of the P75,000.00 from Aragon. It also stated that the P75,000.00 was for payment of the processing fee for Korea. Three months after paying the placement fee, Aragon was not deployed for

Korea. Aragon then asked accused-appellant to return his P75,000.00. Accused-appellant told Aragon she would give him P50,000.00, while Zulueta will give him P25,000.00. Aragon filed the case because accused-appellant failed to return the P75,000.00.^[3]

Re: Criminal Case Number 07-3108

Cecille Bartolome (hereafter, "Bartolome") testified for the prosecution. The evidence of the Prosecution is summarized, thus: Bartolome met accused-appellant at the SCLMC office on 27 April 2006. In the office, accused-appellant and Zulueta told Bartolome and her companions (namely Carol Collamar, Sosen Fernandez, and Michelle Fernandez) they would be deployed to Korea as factory workers within three months from payment of the P75,000.00 placement fee each. Bartolome tendered the said amount to Zulueta at the SCLMC office evidenced by the cash voucher acknowledged receipt of the P75,000.00 from Bartolome. It also stated that the P75,000.00 was for payment of the processing fee for Korea. In July 2006, Bartolome and her companions went back to the SCLMC office to inquire about the progress of their application. Accused-appellant told Bartolome to wait. Bartolome was still not employed by November 2006, so she decided to withdraw her money from accused-appellant. Accused-appellant did not return the P75,000.00, so Bartolome reported the matter to the National Bureau of Investigation (hereafter, "NBI"). The NBI arrested accused-appellant on 5 January 2007. Accused-appellant issued PNB check number 7381 in favor of Bartolome. The check bounced for being drawn against a closed account.^[4]

Re: Criminal Case Number 08-066

Leo John Alday (hereafter, "Alday") and Rosemarie Respueto (hereafter, "Respueto") testified for the Prosecution. The evidence of the Prosecution is summarized, thus: sometime in April 2006, Alday went to the SCLMC to look for employment abroad. At the SCLMC office, Alday met with Rolando Salilin (hereafter, "Salilin"), an agent of the SCLMC. Salilin promised Alday he will be employed as factory worker in Korea with a monthly salary of P80,000.00. Alday paid the placement fee of P75,000.00. A month after paying the placement fee, Alday was still not deployed for employment abroad. Alday thus filed this case against accused-appellant.

Respueto testified in May 2006, he went to the SCLMC to look for employment abroad. At the SCLMC office, Respueto met with Loreta Gasi (hereafter, "Gasi"), an agent of the SCLMC. Gasi promised Respueto she will be employed as factory worker in Korea with a monthly salary of P80,000.00. Respueto paid the placement fee of P90,000.00. Two months after paying the placement fee, Respueto was still not deployed for employment abroad. In August 2006, Repuesto decided to withdraw her money. Respueto filed this case when accused-appellant failed to return her money.^[5]

On the other hand, accused-appellant denied all the allegations against her and presented the following defense:

The SCLMC is a recruitment agency, registered with the Securities and Exchange Commission (SEC) and the Philippine Overseas Employment Administration (POEA). Accused-appellant is the President of the SCLMC. The SCLMC employed only three staff members, *i.e.* Amelita Plabay (secretary), Pedrito and Leonora (liaison officers). Zulueta is not connected with the SCLMC but he was at the SCLMC office because he tried to convince accused-appellant to be a distributor of Presense Green Tea. Accused-appellant denied all the allegations against her. She denied meeting all of the private complainants prior to the filing of the case. She added SCLMC could not have conducted recruitment activities in April and May 2006 because its license to conduct business was temporarily suspended by the POEA during that period. The suspension was lifted on July 31, 2006. Accused-appellant surmised private complainants filed cases against her upon the prodding of Alan Basa. She testified when she was arrested by the NBI, Alan Basa asked her for P300,000.00, in exchange for the dropping of the complaints against her. When accused-appellant refused to give Alan Basa the money, the latter made sure complainants filed the cases against her.

The RTC, on May 31, 2010, promulgated the Decision convicting accused-appellant in Criminal Case No. 07-1399 for large scale illegal recruitment and Criminal Case Number 07-3108 for illegal recruitment. Accused-appellant was, however, acquitted in Criminal Case No. 08-066. The dispositive portion of the said Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused DELIA MOLINA Y CABRA GUILTY beyond reasonable doubt of the crimes charged and she is hereby sentenced as follows:

a. In Crim. Case No. 07-1399, she is sentenced to suffer life imprisonment, to pay a fine of Five Hundred Thousand Pesos (Php 500,000.00), without subsidiary imprisonment in case of insolvency, and to indemnify the offended party Elisa Escobar, Geraldine Cariño, and Diony Castillo Aragon the amount of Seventy-Five Thousand Pesos (Php 75,000.00) each as actual damages and the costs;

b. In Criminal Case No. 07-3108, to suffer the indeterminate penalty of SIX (6) MONTHS and ONE (1) DAY of *prision correccional*, as minimum, to SEVEN (7) YEARS, EIGHT (8) MONTHS and TWENTY-ONE (21) DAYS of *prision mayor* as maximum and to indemnify the offended party Cecille Bartolome the amount of Seventy- Five Thousand Pesos (Php 75,000.00) and the costs;

In Criminal Case No. 08-066, she is hereby ACQUITTED for insufficiency of evidence.

SO ORDERED.

Accused-appellant filed an appeal before the CA and the latter, on December 14, 2012, rendered a Decision affirming the RTC with modification, the dispositive portion of which reads, as follows: